

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

AMERICAN CAST IRON PIPE
COMPANY,

Plaintiff,

v.

BRUNDIDGE CONSTRUCTION, INC.,
and NATIONAL UNION FIRE
INSURANCE COMPANY,

Defendants.

CIVIL ACTION NO. 02-JEO-0226-S

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U.S. DISTRICT COURT
N.D. OF ALABAMA

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ENTERED

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MEMORANDUM OPINION

Before the court is the defendants' "Motion to Dismiss or Alternative Motion to Transfer" (doc. 5) and the "Joint Motion to Transfer" (doc. 8). This matter arises out of a public construction project performed by Brundidge Construction, Inc. (hereinafter Brundidge), in Peoria, Arizona. Brundidge does not do business in Alabama. The plaintiff's only purported connection with Brundidge is that it supplied cast iron pipe to the project. The parties have informed the court that they agree that this matter is due to be transferred to the District Court for Arizona. (Doc. 8, ¶ 2). They further agree that if this court agrees to the transfer, the motion to dismiss will be withdrawn. Upon consideration, the court finds that the joint motion to transfer (doc. 8) is due to be granted, the motion to dismiss is due to be deemed withdrawn, and the Clerk of the Court is to transfer this case to the United States District Court for the District of Arizona pursuant to 28 U.S.C. § 1401(a).

DONE, this the 21st day of March, 2002.

J. E. Ott

JOHN E. OTT

United States Magistrate Judge